

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF NEW YORK

MARY ANTHONY in her individual
capacity and THOMAS D. HURWITZ,
as Trustee for the Estate of Jane
Dudley,

Plaintiffs,

vs.

RICK SCHUSSEL, in his personal
and corporate capacities, and THE
NEW DANCE GROUP STUDIO, INC.,
a/k/a THE NEW DANCE GROUP ART
CENTER,

Defendants.

07 CIV 6116

07 Civ. ____ ()
COMPLAINT FOR COPYRIGHT
INFRINGEMENT

JUDGE CHIN

Plaintiffs hereby allege on personal knowledge as to
allegations concerning themselves, and on information and belief
as to all other allegations, as follows:

NATURE OF THE ACTION

1. This is an action for a declaration of ownership
of the choreographic works of Mary Anthony and Jane Dudley for
injunctive relief, along with damages for willful copyright
infringement. Plaintiffs are the copyright owners of a number
of choreographed works created either by his mother, in the case
of Thomas Hurwitz, or in her individual capacity, in the case of
Mary Anthony. Evidence of Plaintiffs' ownership is clear,

ranging from valid copyright registrations constituting prima facie evidence of ownership, to a variety of unambiguous facts and circumstances leaving no room for any competing claim of ownership.

2. The value of these choreographic works in terms of their historical legacy and contemporary relevance is maintained by ensuring that any and all public performances comply with the artistic standards established by the original choreographers themselves and maintained by the copyright owners. Unlicensed performances of these works, therefore, can undermine the very artistic integrity that the copyright owners have and seek to preserve.

3. Among the facts that demonstrate that the works are owned by Plaintiffs are that:

(a) neither of the two choreographers was ever paid as a choreographer, and neither was ever paid to create choreography for The New Dance Group Studio, Inc., a/k/a The New Dance Group Art Center (collectively, the "New Dance Group") either during the period when these works were created or at any other time. Instead, Plaintiffs' affiliation with the New Dance Group was limited to the position of teacher or member of the Board of Directors;

(b) a member of the Board of Directors of the New Dance Group from the 1940s-1980s asserts that throughout her

tenure, and certainly prior to when Rick Schussel joined the Board, no dances, and in particular, none of the dances that is the subject of the Complaint, were among the assets of the New Dance Group;

(c) a variety of evidence indicates that two particular dances that have been the subject of unlicensed rehearsals and threatened performance by the New Dance Group, Harmonica Breakdown and Time is Money, were created and/or premiered outside of the New Dance Group; and

(d) there is no evidence that the New Dance Group had the right to assign to Plaintiffs the task of choreography as part of their regular duties, or to supervise or control them in the creation of choreography.

4. Despite the breadth of factual evidence supporting Plaintiffs' ownership claims, Defendants Rick Schussel and the New Dance Group performed Harmonica Breakdown on May 11, 2007, and willfully disregarded the owner's interest in this dance. Defendants' intention to continue infringing Plaintiffs' works became clear on May 23, 2007, when Plaintiffs learned that Defendants were actively rehearsing and intended to perform publicly two of Plaintiffs' works, Harmonica Breakdown and Time is Money, on June 22 and 24, 2007.

5. Less than thirty-six hours before the June 22, 2007 scheduled performance, Defendants finally agreed to cancel

the infringing productions. However, despite the clarity of the evidence that substantiates Plaintiffs' ownership claims, Defendants persist in their claims of ownership, including their purported right to perform the dances that are the subject of this Complaint. Accordingly, Plaintiffs have no alternative but to institute this action.

JURISDICTION AND VENUE

6. This is a civil action seeking permanent injunctive relief, declaratory relief, and statutory damages for willful copyright infringement under the Copyright Act, 17 U.S.C. § 101 et seq. and 28 U.S.C. § 2201.

7. The Court has original subject matter jurisdiction over the Copyright Act claims and declaratory relief pursuant to 28 U.S.C. §§ 1331 and 1338(a).

8. The Court has personal jurisdiction over the Defendants because each resides and/or may be found in New York, is a citizen of the United States, and a citizen of the State of New York, does systematic and continuous business in New York, and has performed acts directed at causing harm in New York that give rise to this Complaint.

9. Venue is proper in this District pursuant to 28 U.S.C. § 1391(b)-(c) and 28 U.S.C. § 1400(a).

THE PLAINTIFFS AND THEIR ARTISTIC WORK

10. Mary Anthony is a noted choreographer and dance teacher. Ms. Anthony was formerly affiliated with the Hanya Holm Company and currently heads the Mary Anthony Dance Studio, which was founded in 1954. Her works, such as The Devil in Massachusetts and Lady Macbeth, are treasured contributions to modern dance. Ms. Anthony is a citizen of the United States and a citizen and domiciliary of New York.

11. Thomas D. Hurwitz is the son of Jane Dudley and trustee for her Estate, which left her choreographic works, such as Harmonica Breakdown and Time is Money, to her grandchildren Nicholas D. Hurwitz (age 17), Anya R. Hurwitz (age 30), and Mekea H. Fishlin (age 32) - each of whom is not only a child of Mr. Hurwitz, but also agrees with the filing of this lawsuit against Defendants. Ms. Dudley was trained by Hanya Holm, and after appearing at the Bennington Summer School of the Dance in a Martha Graham production, she was invited to join the Martha Graham Company. After forming the Dudley-Maslow-Bales Trio with Sophie Maslow and William Bales, she toured the dance circuit throughout the 1930s and 1940s. Mr. Hurwitz is a citizen of the United States and a citizen and domiciliary of New York.

12. Ms. Dudley trained specific dancers, namely Sheron Wray and Nancy Colahan, to perform different works, including Time is Money and Harmonica Breakdown, and to teach

other dancers how to perform the works in order to maintain each work's artistic integrity after her death. Ms. Anthony supervises the staging of her own works.

13. Each Plaintiff is a copyright owner of one or more of the works that form the basis for the present action.

(a) Mr. Hurwitz is trustee for the Estate of Jane Dudley, which included her choreographic work. Ms. Dudley's dances, Time is Money and Harmonica Breakdown, were registered with the United States Copyright Office and certificates have been duly issued. Time is Money, which was created in 1934 and premiered at the Workers Dance League Revolutionary Solo Dances, presented by the League of Workers Theaters, is registered under PAU3-067-715, and Harmonica Breakdown, which was created and premiered in 1938 at Bennington Summer School of the Dance, is registered under PAU3-067-716. None of these works has ever been published. Copies of the certificates of registration for Time is Money and Harmonica Break are attached hereto as Exhibits A and B, respectively.

(b) Ms. Anthony - as the choreographer of Lady Macbeth, which was created in 1948 and premiered at the 92nd Street YMHA, and the original claimant - had a copyright issued in her name by the United States Copyright Office. A certificate was issued in due course under registration number PAU3-067-717. This work was never published. A copy of the

certificate of registration for Lady Macbeth is attached hereto as Exhibit C.

14. At various points in time, each choreographer served as a part-time teacher at the school run by the New Dance Group. Beginning in 1936, Jane Dudley also served as President of the Board of Directors of the New Dance Group and left the Board in or about 1965.

15. Mary Anthony began teaching part-time at the New Dance Group in or about 1940 and ceased teaching in or about 1952.

16. At no time during the creation of these dances or at any other time were Mses. Anthony or Dudley employed to choreograph dances as part of their regular duties, nor were they commissioned to choreograph dances. In fact, during the relevant period, when the dances at issue were created, the New Dance Group maintained only a skeletal staff of salaried employees, consisting primarily of secretarial help. Productions of the works choreographed by Mses. Anthony and Dudley were paid for largely out of their own pockets, including the costs of set design and costumes.

17. Prior to Mr. Schussel's involvement with the Board of the New Dance Group, none of these dances was ever carried as, or considered to be, assets of the New Dance Group.

18. Plaintiffs' possession of certificates of copyright registration for each dance that forms the basis of this complaint constitutes prima facie evidence of their ownership of the works. 17 U.S.C. § 410(c).

THE DEFENDANTS

19. Defendant Rick Schussel is the Artistic Director of the New Dance Group, a position he has held since the early to mid-1980s. He is a citizen of the United States and a citizen and domiciliary of New York.

20. Defendant The New Dance Group Studio, Inc. is a New York corporation with its principal place of business in New York and is engaged in the teaching and staging of modern dance. It is also known as The New Dance Group Art Center.

21. At all times relevant to this action, Defendant Rick Schussel participated in and caused the New Dance Group to participate in the acts complained of herein. For example, he has (i) possessed authority and control over the New Dance Group, as well as direct supervisory responsibility over the New Dance Group's employees, and (ii) has been aware of, personally overseen or directed, and approved of the actions complained of herein.

22. When first organized in the 1930s, the New Dance Group served as a vehicle for the dissemination of modern dance to the public through inexpensive courses in dance technique and

theory, and the creation of a collaborative community environment for dance. While the organization flourished through the 1950s, a slow period of decline set in until a crisis erupted in the 1980s. Defendant Schussel joined the Board and arranged for additional Board members to be added, who then elected him President of the Board. At some point, in approximately the mid-1980s, the New Dance Group effectively ceased operations. Apparently, it has again commenced operations.

23. On May 11, 2007, Harmonica Breakdown was publicly performed by the New Dance Group.

24. Since that time, Defendants have rehearsed works owned by Plaintiffs and threatened to perform publicly Harmonica Breakdown and Time is Money during performances on June 22 and 24, 2007 - which were only cancelled after the most strenuous protests of Plaintiffs, but without any acknowledgement by Defendants of Plaintiffs' ownership.

COUNT I: DECLARATION OF OWNERSHIP AND INJUNCTIVE RELIEF

25. Plaintiffs repeat, reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 24 above.

26. Plaintiffs are the legal owners of certain copyrights in choreography. Such choreography consists of

original works of authorship fixed in a tangible medium of expression.

27. Despite the facts supporting Plaintiffs' ownership of the works at issue in this case, Defendant Schussel has asserted that the New Dance Group owns the entirety of the choreographic works of those dancers who at any time were associated with the New Dance Group.

28. Defendant Schussel has refused to seek permission to rehearse, stage, or perform the works of Ms. Anthony or Ms. Dudley (as held in trust by Mr. Hurwitz for Nicholas D. Hurwitz, Anya R. Hurwitz and Mekea H. Fishlin), and others not parties to this lawsuit, who may have ever been associated with the New Dance Group.

29. This brazen course of conduct, including the public performances Defendants threatened to stage on June 22 and 24, the actual staging of Harmonica Breakdown on May 11, 2007, and assertions by Defendant Schussel, such as his continued, and incorrect, insistence that he owns at least some of the works of Plaintiffs, demonstrate the presence of an actual case and controversy and that any or all of Plaintiffs' works are at risk of being rehearsed or performed publicly, without the appropriate license, in violation of the Plaintiffs' copyrights and 17 U.S.C. § 106(4)-(5).

30. Accordingly, Plaintiffs are entitled to a declaration of ownership with respect to their respective works, namely: Harmonica Breakdown and Time is Money for Thomas D. Hurwitz as trustee and that are owned by Nicholas R. Hurwitz, Anya R. Hurwitz, and Mekea H. Fishlin; and Lady Macbeth for Mary Anthony. 28 U.S.C. § 2201. Such a determination is necessary and appropriate at this time in order to prevent infringement of Plaintiffs' valuable copyrights.

31. The massive infringement threatened by Defendants' position on dances choreographed by former part-time teachers at the New Dance Group, including the acknowledged masterpieces of Ms. Anthony and Dudley, unless permanently enjoined by this Court, will cause serious and irreparable harm to the artistic integrity of the works, irreparable devaluation of the work, and serious and irreparable damage to the artistic reputations of Ms. Dudley and Ms. Anthony.

32. Defendants' conduct has caused and, unless enjoined by this Court, will continue to cause Plaintiffs great and irreparable injury that cannot be fully compensated or measured in money. The artistic integrity of each work can only be maintained through carefully-supervised training by experts in modern dance. Plaintiffs have no adequate remedy at law. Pursuant to 17 U.S.C. § 502, Plaintiffs are entitled to

injunctive relief prohibiting further infringement of Plaintiffs' copyrights.

33. Plaintiffs are entitled to their costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

COUNT II: COPYRIGHT INFRINGEMENT

34. Plaintiffs repeat, reallege and incorporate herein by reference each and every allegation contained in paragraphs 1 through 24 above.

35. Rehearsal and public performance of Harmonica Breakdown by Defendants for the May 11, 2007 performance directly infringed the copyrights for which Thomas D. Hurwitz is trustee by performing the copyrighted work publicly and displaying the copyrighted work publicly. 17 U.S.C. § 106(4)-(5). The "dedication" of one of Ms. Dudley's signature works, and its performance without adequate training or supervision by those who were specifically trained by Ms. Dudley in this (or any other) dance, did and does serious and irreparable harm to the artistic integrity of the work, irreparably devalues the work, and seriously and irreparably tarnishes the artistic legacy of Ms. Dudley.

36. Through conduct described above, Defendants are liable for copyright infringement. Defendants had actual knowledge of the infringement and have acted jointly and severally.

37. Defendants' infringement has been and is willful, intentional, purposeful, and in disregard of the rights of Mr. Hurwitz.

38. As a direct and proximate result of Defendants' infringements, Mr. Hurwitz is entitled to the maximum statutory damages under 17 U.S.C. § 504(c), in the amount of \$150,000 per work.

39. Mr. Hurwitz is entitled to his costs, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs respectfully pray for judgment against Defendants as follows:

(a) a declaration that the New Dance Group has no right or entitlement to rehearse or perform, without permission, the following works: Harmonica Breakdown, Time is Money, and Lady Macbeth; and that Harmonica Breakdown and Time is Money are the copyrighted choreography of Jane Dudley for which Thomas D. Hurwitz is trustee and which are owned by Nicholas R. Hurwitz, Anya R. Hurwitz, and Mekea H. Fishlin, and that Lady Macbeth is the copyrighted choreography of Mary Anthony, who is also the owner of the work.

(b) for a ruling that Defendants have willfully infringed the copyright of Harmonica Breakdown;

(c) for permanent injunctive relief requiring that Defendants and Defendants' agents, servants, employees, officers, attorneys, successors, licensees, partners, and assigns, and all persons acting in concert or participation with each or any of them, cease infringing, whether directly or indirectly, and cease causing, enabling, facilitating, encouraging, promoting, inducing, contributing to, and participating in the infringement of any of Plaintiffs' respective copyrights;

(d) for statutory damages pursuant to 17 U.S.C. § 504(c), in the amount of \$150,000 per work that has been willfully infringed (including at least Harmonica Breakdown);

(e) for pre-judgment and post-judgment interest;

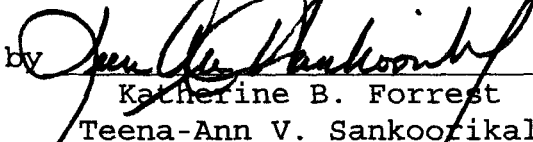
(f) for Plaintiffs' costs and disbursements in this action, including reasonable attorneys' fees, pursuant to 17 U.S.C. § 505; and

(g) for such other and further relief as the Court
deems just and proper.

June 28, 2007

Respectfully submitted,

CRAVATH, SWAIN & MOORE LLP

by 
Katherine B. Forrest
Teena-Ann V. Sankoorikal
Members of the Firm

Attorneys for Plaintiffs
Worldwide Plaza
825 Eighth Avenue
New York, NY 10019
(212) 474-1000

Exhibit A

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Margbeth Peters

Register of Copyrights, United States of America



Form PA

For a Work of Performing Arts
IN THE UNITED STATES OF AMERICA

PAu3-067-716

11/1/2007

EFFECTIVE DATE OF REGISTRATION

6
Month

13
Day

2007
Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK

Time is Money

PREVIOUS OR ALTERNATIVE TITLES

NATURE OF THIS WORK See instructions

Choreography

2

NAME OF AUTHOR

Jane Dudley

DATES OF BIRTH AND DEATH

Year Born

Year Died

1912

2001

Was this contribution to the work a work made for hire?

☐ Yes

☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

OR

Domiciled in

United States

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes

☒ No

Pseudonymous?

☐ Yes

☒ No

If the answer to either of these questions is Yes, see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

Choreographer of the dance

NOTE

Under the law the author of a work made for hire is generally the employer not the employee (see instructions). For any part of this work that was made for hire check Yes in the space provided, give the employer (or other person for whom the work was prepared) as Author of that part, and leave the space for date of birth and death blank.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a work made for hire?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

OR

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is Yes, see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

NAME OF AUTHOR

DATES OF BIRTH AND DEATH

Year Born

Year Died

Was this contribution to the work a work made for hire?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR

Citizen of

OR

Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous?

☐ Yes

☐ No

Pseudonymous?

☐ Yes

☐ No

If the answer to either of these questions is Yes, see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed.

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1934

Year

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month

Day

Year

Nation

4

See instructions before completing this space.

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2.

Nicholas R. Hurwitz 116 Pinehurst Ave, New York, NY 10033
Anya R. Hurwitz 3045 Godwin Terrace, New York NY 10463
Mekeo Hurwitz Pashin - 76 Park Dr. Mt. Kisco, NY 10549

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright.

By will The copyrights are held in trust for the claimants (grandchildren of the author) by the author's son, Tom Hurwitz.

APPLICATION RECEIVED

JUN 13 2007

ONE DEPOSIT RECEIVED

JUN 13 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK

Complete all applicable spaces (numbers 5-9) on the reverse side of this page. See detailed instructions. Sign the form at line 9.

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Page 1 of 2 pages

EXAMINED BY <i>KLP</i>	FORM FA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	FOR COPYRIGHT OFFICE USE ONLY
Yes	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "No," give Previous Registration Number: Year of Registration: Year

5

DERIVATIVE WORK OR COMPILED Complete both space 6a and 6b for a derivative work, complete only 6b for a compilation.
Preceding Material Identify any preceding work or works that this work is based on or incorporates.

a 6

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name: Account Number: Year

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name/Address/Apt./City/State/Zip

Tom Hurwitz, trustee of the Estate of Jane Dudley
116 Pinchurst Ave
New York, NY 10033

b

Area code and city for telephone number (212) 928-4466

Fax number (212) 927-7302

Email

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one: ☐ author
☐ other copyright claimant
☐ owner of exclusive right(s)
☒ authorized agent of Tom Hurwitz, trustee, w/d March 4, 1992
Name of author or other copyright claimant, or owner of exclusive right(s)

8

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date.

Katherine M. Frost, attorney for Tom Hurwitz, trustee of the Estate of Jane Dudley,

Date 06/04/2007

Handwritten signature (X) ✓

Certificate will be mailed in window envelope to this address

Name
Tom Hurwitz, trustee of the Estate of Jane Dudley
Address
116 Pinchurst Ave
City/State/Zip
New York, NY 10033

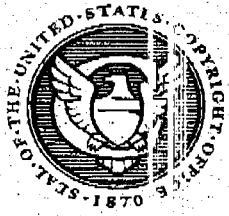
Complete all necessary steps for your application in space 9
1. Application fee
2. Resubmission fee (if in check or money order payable to Register of Copyrights)
3. Check enclosed
Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20540-8000

9

17 USC (2002) Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statement filed in connection with the application at will be fined not more than \$50,000.

Exhibit B

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form PA

For a Work of Performing Arts
U.S. COPYRIGHT OFFICE

PAU3-067-715



EFFECTIVE DATE OF REGISTRATION

6 13 2007
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼

Harmonica Breakdown

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Choreography

2

NAME OF AUTHOR ▼

Jane Dudley

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼
1912 2001

Was this contribution to the work a work made for hire?

☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of United States
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No
Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is Yes, see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼
Choreographer of the dance

NOTE

Under the law the author of a work made for hire is generally the employer not the employee (see instructions). For any part of the work that was made for hire check Yes in the space provided give the employer (or other person for whom the work was prepared) as Author of that part, and leave the space for date of birth and death blank.

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire?

☐ Yes
☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country
OR Citizen of
Domiciled in

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

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Pseudonymous? ☐ Yes ☒ No

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NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

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AUTHOR'S NATIONALITY OR DOMICILE

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OR Citizen of
Domiciled in

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Pseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is Yes, see detailed instructions

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1934 Year in all fields

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published. Month Day Year

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

Nicholas R. Hurwitz - 116 Pinchurst Ave New York, NY 10033
Anys R. Hurwitz - 3045 Godwin Terrace, New York, NY 10463
Mekes Hurwitz Fuhlin 76 Park Dr. Mt. Kisco, NY 10549

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

By will The copyrights are held in trust for the claimants (grandchildren of the author) by the author's son, Tom Hurwitz.

APPLICATION RECEIVED
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JUN 13 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶ Complete all applicable spaces (numbers 5-8) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

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Page 1 of 2 pages

EXAMINED BY <i>KJP</i>	FORM PA
CHECKED BY	
<input type="checkbox"/> CORRESPONDENCE	
<input type="checkbox"/> Yes	
FOR COPYRIGHT OFFICE USE ONLY	

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☐ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) If your answer is No, do not check box A, B, or C.

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a derivative version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number Year of Registration

5

DERIVATIVE WORK OR COMPILED Complete both space 6a and 6b for a derivative work; complete only 6b for a compilation.

6a. Identify any preexisting work or works that this work is based on or incorporates.

a 6

See instructions before completing this space

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed.

b

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.

Name Account Number

a 7

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip

Tom Hurwitz, trustee of the Estate of Jane Dudley
116 Pinchurst Ave
New York, NY 10033

b

Area code and day time telephone number (212) 928-4466

Fax number (212) 927-7302

E-mail

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ☐ author
☐ other copyright claimant
☐ owner of exclusive right(s)
☐ authorized agent of Tom Hurwitz, trustee w/d March 4 1992
 Name of author or other copyright claimant or owner of exclusive right(s)
 of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge

8

Typed or printed name and date If this application gives a date of publication in space 3, do not sign and submit it before that date

Katherine Roach, attorney for Tom Hurwitz, trustee of the Estate of Jane Dudley.

Date 06/12/2007

Signature of applicant (X)

Certificate will be mailed in window envelope to this address

Name
 Tom Hurwitz, trustee of the Estate of Jane Dudley
 Address
 116 Pinchurst Ave
 City/State/Zip
 New York, NY 10033

Complete all necessary steps
 Sign your application in space 8

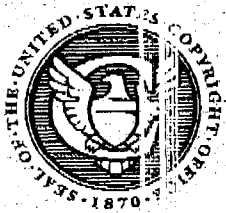
9

1. Application form
 2. Non-refundable filing fee in check or money order payable to Registrar of Copyrights
 3. Deposit material
 Library of Congress
 Copyright Office
 101 Independence Avenue SE
 Washington, DC 20540-0000

17 USC (section) 405: If you have knowingly made a false representation of a material fact in the application for copyright registration provided for by section 408 or in any written statements filed in connection with the application, you may be fined not more than \$500.

Exhibit C

Certificate of Registration



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America



Form PA

For a Work of Performing Arts
UNITED STATES COPYRIGHT OFFICE

PAu3-067-717

EFFECTIVE DATE OF REGISTRATION

6 13 2007
Month Day Year

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET

1

TITLE OF THIS WORK ▼

Lady Macbeth

PREVIOUS OR ALTERNATIVE TITLES ▼

NATURE OF THIS WORK ▼ See instructions

Choreography

2

NAME OF AUTHOR ▼

Mary Anthony

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

1916

Was this contribution to the work a work made for hire?

☐ Yes

☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of United States

OR Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ No

Pseudonym? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

Choreographer of the dance

NOTE

Under the law, the author of a work made for hire is generally the employer, not the employee (see instructions). For any part of this work that was made for hire, check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of _____

OR Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonym? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

DATES OF BIRTH AND DEATH

Year Born ▼ Year Died ▼

Was this contribution to the work a work made for hire?

☐ Yes

☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of _____

OR Domiciled in _____

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ No

Pseudonym? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS WORK WAS COMPLETED

1948

Year in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information ONLY if this work has been published.

Month _____

Day _____

Year _____

4

COPYRIGHT CLAIMANT(S) Name and address must be given, even if the claimant is the same as author given in space 2. ▼

Mary Anthony

736 Broadway, 7th Floor / New York NY 10003

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

APPLICATION RECEIVED

JUN 13 2007

ONE DEPOSIT RECEIVED

JUN 13 2007

TWO DEPOSITS RECEIVED

FUNDS RECEIVED

MORE ON BACK ▶

Complete all applicable spaces (numbers 5-8) on the reverse side of this page. See detailed instructions. Sign the form at line 8.

DO NOT WRITE HERE

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